

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
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SPECIAL CIVIL APPLICATION No 1174 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

LIC EMPLOYEES ASSOCIATION

Versus

UNION OF INDIA

Appearance:

MR TR MISHRA for Petitioner

MR AK CLERK for Respondent No. 2

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 21/07/97

ORAL JUDGEMENT

This Special Civil Application is directed against the order dated 8.12.94 passed by the Ministry of Labour, Government of India refusing to make Reference to the Industrial Tribunal.

There is no dispute that the concerned workman of the petitioner - Association was appointed as Badli employee in February 1970. His services were terminated

on 1.9.78. Thereafter, when the Recruitment Rules came into force on 27.1.79 the concerned workman was again appointed on temporary basis on 5.1.81 but was discontinued from 2.9.83. The concerned workman had filed Special Civil Application No.4469/83 challenging his discontinuance from 2.9.83 and claiming absorption as regular employee in terms of the Central Government Industrial Tribunal ("C.G.I.T." for short) Award dated 25.11.82/9.4.91. This Special Civil Application No.4469/83 was got dismissed as withdrawn on 9.7.87 because the employment was offered to the concerned workman by the respondent No.2 i.e. L.I.C. of India and in fact permanent appointment as a Peon was given to the concerned workman from 22.8.87 by granting age relaxation.

Mr. Clerk appearing for the respondent No.2 has pointed out that the Award dated 25.11.82/9.4.91 had been passed by the C.G.I.T. in relation to some other employees and it could not give rise to any claim in favour of the concerned workman whom the petitioner Association represents in this petition. I have gone through the impugned order dated 8.12.94. The dispute was sought to be raised after a period of 6 years from the date of his permanent appointment. The appointment afresh was given on 28.7.87 and it is not the case of the petitioner that any employee appointed after the aforesaid date of 28.7.87 has been given any benefit under the Award dated 25.11.82/9.4.91. Since the appointment given to the workman on 28.7.87 was a fresh appointment, no credit can be claimed for the Period from February 1970 to September 1978 or the earlier period of 5.1.81 to 2.9.83, for the purpose of giving benefits under the Award dated 25.11.82/9.4.91. It is also recorded in the impugned order dated 8.12.94 that the name of the workman represented through the petitioner Association does not figure in the list of 23 workmen covered under the Award dated 9.4.91 as aforesaid. It is obvious that the claim with regard to the benefits of annual increments and other connected benefits with effect from 1.4.80 is grossly belated. If such a controversy could not raise a dispute for number of years and such claims were also raised in the earlier Special Civil Application No.4469/83, which was got dismissed as withdrawn on 9.7.87, it can not be said that it was a case for making Reference. I do not find that the Ministry of Labour, Government of India has committed any error whatsoever either of fact or of law in refusing to make a Reference vide impugned order dated 8.12.94.

There is no merit in this Special Civil

Application. The same is hereby dismissed. Rule is hereby discharged with no order as to costs.

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